

**CITY OF BRISTOL
BRISTOL, CONNECTICUT 06010**

**CORRECTED FINAL REPORT
2016 CHARTER REVISION COMMISSION**

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TOWN AND CITY CLERK
BRISTOL, CT

The Charter Revision Commission ("Commission") convened on February 18, 2016. The members, duly appointed and sworn, are as follows (elected officers are noted):

Jon P. FitzGerald, Esquire, chairperson
Richard Maynard, vice-chairperson
Gail Hartmann, secretary
Joseph Guarino, Sr.
Chad Lockhart

The Commission also met on March 7, 2016; March 21, 2016; April 18, 2016; May 2, 2016; May 23, 2016, June 6, 2016 and July 18, 2016.

Public hearings, as required by state statute, were held on March 7, 2016 and June 6, 2016. In addition, the public was invited at each Commission meeting to address the Commission during public participation.

In its February 9, 2016 resolution, the City Council directed the Commission to review Sections 12, 46A and 46B of the Charter.

The Commission invited the commissioners of the Police and Fire boards as well as representatives of the police and fire unions to the public hearing on March 7, 2016 to discuss redrafting sections 42, 46A and 46B of the Charter.

I

At a special meeting of the city council on June 30, 2016, the city council considered the Commission's draft report. The city council's recommendation and the commission's responses are as follows:

City council recommendation:

"1. To recommend that the Charter Revision Commission amend the Draft Report in Sec. 12 concerning elected officials remaining residents and electors of the city or their district during their term to have an effective date for elected officials in the next municipal election in 2017."

Commission response:

The Commission voted to accept city council's recommendation.

City council recommendation:

"2. To reject the Charter Revision Commission proposed changes to Sec. 46A regarding revisions to the procedures for promotion in the Police Department, based on a suggestion by the Personnel Director to reject it."

Commission response:

The Commission voted to reject the city council's recommendation.

City council recommendation:

"3. To recommend that the proposed change in Sec. 46B to eliminate the residency requirement for the Chief of Police and substitute it with a residence within a town, any part of which falls within a 20 miles radius of police headquarters also include revision to the Charter section that the Fire Chief reside within a town, any part of which falls within a 20 mile radius of fire headquarters."

Commission response:

The Commission voted to accept the city council's recommendation.

II

A

Section 12, City officers; elective

Our charter requires political parties to nominate not "more than two residents of each council district as candidates for the city council." Section 12(b). However, once elected, a council member may move out of the district and continue as a member of the city council.

A majority of the Commission believes that continued residence of a council member in the district throughout the member's term is implied in the charter and expected by residents of Bristol. If a council member can move out of the district and remain on the council, then we might as well elect our council members at large rather than by district.

With that, the Commission recommends the changes as set forth in Schedule A attached to this report.

B

Section 46A. Police Department – Merit System

Under current state law (General Statute Section 7-474, the Municipal Labor Relations Act), the City is required to negotiate with employee bargaining organizations on a number of topics, including the promotional process. In the event of a conflict between a charter provision and a collective bargaining agreement, the terms of the collective bargaining agreement take precedence, rendering portions of our charter irrelevant.

With that, the Commission recommends the changes suggested by the Personnel Director on behalf of the Board of Police Commissioners as set forth in Schedule B attached to this report. At our public meetings, no member of the public spoke against the proposed changes.

C

Section 46B. – Chief of Police

Our current practice of hiring a chief of police includes an interview of an applicant by a panel of police chiefs from other towns. According to the Personnel Director, police chiefs in the recent hiring described our procedures as “antiquated”. In addition, the Commission noted that in a survey conducted for the Commission by the Conference of Connecticut Municipalities, none of seventeen (17) towns surveyed had the promotional process for police chief in their charter.

With that, the Commission recommends the changes suggested by the Personnel Director on behalf of the Board of Police Commissioners as set forth in Schedule C attached to this report. At our public meetings, no member of the public spoke against the proposed changes.

D

Section 42. - Fire Department, regulation of promotion

Pursuant to the city council's recommendation, the residency requirement for the fire chief has been expanded to require residency within a town, any part of which falls within a 20 miles radius of the fire department headquarters as set forth in Schedule D.

III

The Commission also received several suggestions from members of the public for additional revisions to the charter. The Commission concluded that it did not have adequate time to research and consider the proposals.

IV

We extend our appreciation to Attorneys Edward Krawiecki, Jr. and Thomas Conlin of the corporation counsel's office for their guidance, research and support and to Tina Bunnell and Jeanne Doerr for their assistance as recording secretary.

Finally, we would like to thank the citizens of Bristol who took the time to offer their suggestions to the Commission.

V

The purpose of the corrected final report is to clarify the effective date of the recommendation to Section 12 consistent with the recommendation made by the city council and the motion made and adopted at the Commission's July 18, 2016 meeting.



Jon P. FitzGerald, Esquire, chairperson

[bold brackets] represent proposed deletions

Bold underlines represent proposed additions

SCHEDULE A

Sec. 12. - City officers; elective.

(a) through (c): no change

[(d) [Deleted.]]

[(e)] (d) No person shall be qualified to be a candidate for any elective municipal office in the City of Bristol unless such person shall be an elector of said city.

(e) Any official elected on or after November 7, 2017 who ceases to be a resident and elector of the City of Bristol, or in the case of a council member who ceases to be a resident and elector of the council district from which he or she was elected, shall thereupon cease to hold such elective office and the elective office shall be vacant. Vacancies shall be filled in accordance with the provisions of Section 14 or Section 39 as may be applicable.

SCHEDULE B

Sec. 46A. - Police department—Merit system.

(1) All promotions within the police department of the City of Bristol shall be made as the direct result of examinations conducted under the supervision of the director of personnel of the City of Bristol. This shall apply to every promotion **[up to and including] with the exceptions of** the office of the chief of police, **[but shall not apply to] and** the appointment of police officers to the regular police force. All tests shall be in conformance with existing working agreements.

(2) through (3): no change.

- (4) The director of personnel shall certify to the **[board of police commissioners and the]** chief of police the names of all persons competing for a vacancy who have attained a grade of seventy per cent or higher on both the written and oral examinations. The **[board of police commissioners and the]** chief of police shall then make an independent evaluation of each candidate for the vacancy. The individual examination scores shall not be disclosed **[until the board of police commissioners and]** by the Personnel Department until the chief of police makes **[their]** individual evaluations of each candidate. The Personnel Department shall then prepare an eligibility list in order of the candidate(s)'s total score based upon the factors and weights defined in the bargaining agreement. The board of police commissioners shall then appoint to the vacancy that person with the highest **[rating based upon the following factors and weights: (a) Written examination60% (b) Oral examination20% (c) Seniority (½% for each full year up to 10%)10% (d) Police chief's evaluation5% (e) Board of police commissioners evaluation5% Total100%] total score.**
- (5) No change.
- (6) When an examination has been given and more than one person attains the grade of seventy percent or higher on the written and oral examinations, such persons attaining the grade of seventy percent or higher shall be **[rated by the board of police commissioners in accordance with Section 46A(4) and be]** placed on an eligibility list in order of their **[rating] total score**. This eligibility list shall continue in force for two years from the date the list is certified by the director of personnel, and any further vacancies in positions equal to that for which the specific examination was given shall be filled by appointing the person with the next highest ranking on this eligibility list. No such eligibility list shall be valid for longer than a two-year period, and new examinations shall be held at more frequent intervals if a vacancy occurs and the eligibility list for that position is exhausted.

(7) through (11): no change

SCHEDULE C

Sec. 46B. - Chief of police.

- (1) The chief of police shall be the head of the police department **[. The chief of police] and** shall be appointed by and subject to the authority of the board of police commissioners after **[written and oral examination to be provided and]** a recruitment process supervised by the director of personnel, **provided no candidate for appointment shall be given the oral examination herein unless and until such candidate has obtained a minimum grade of seventy percent on the written examination**. The appointee shall be chosen from the list of the five (5) highest ratings based on **[the following factors and weights: (a) Written examination50% (b) Oral**

examination30% (c) Police board evaluation20% Total100%] criteria as determined by the director of personnel in consultation with the board of police commissioners.

(2) The appointment of the board of police commissioners shall be subject to the approval of and confirmation of the mayor and city council. If the mayor and city council do not act on the nomination within sixty days, said appointment shall be deemed to be approved and confirmed. If the mayor and the city council reject said appointment or the candidate refuses the position, the board of police commissioners shall, within thirty days of said rejection or refusal, select from **[the] any** remaining candidates and continue this process until **[the]** five (5) candidates have been used. If no candidate is approved by **the** mayor and city council, a new **[examination for said position must be conducted and the] recruitment process [repeated] must ensue**. Any rejected candidates shall not be eligible to **[retake the examination] participate in such process**.

[(2)] (3) The appointee shall **[become a resident] reside within a town, any part of which falls within a twenty (20) mile radius of police department headquarters** of the City of Bristol within six months of appointment and continue **such** residency for the term of office. The candidate does not have to be a resident of the City of Bristol or a member of the Bristol Police Department to become eligible for this appointment. The candidate shall have an adequate knowledge of the organization and administration of a police department, and shall also have had experience of at least ten years in the management and direction of police personnel in a supervisory capacity. The candidate shall have an appropriate four-year college or university degree. The candidate shall be offered a personal employment agreement with a duration of four (4) years, and on such other terms subject to the approval and confirmation of the mayor and city council. The award of successive personal employment agreements for the chief **of police** are at the discretion of the mayor and city council and subject to the approval and confirmation of the mayor and city council. The chief of police shall be responsible for the efficiency, discipline and the good conduct of the department, and for the care and custody of all property used by the department. The chief of police shall appoint a dog warden in accordance with state statutes. The chief of police shall be responsible for the assignment of all members of the department, including a dog warden, to their respective posts, shifts, details and duties. The chief shall make rules and regulations for the government of the police department, subject to the approval of the board of police commissioners. Disobedience by any member of the police department of the lawful orders, rules and regulations of the chief **of police** or of the said police commissioners shall be grounds for dismissal or other appropriate disciplinary action by said commissioners. The person in office as chief of police on the effective date of this amendment shall enter into a personal employment agreement with a duration of four (4) years, and on such other terms subject to the approval and confirmation of the mayor and city council.

[(3)] (4) Before any candidate not a member of the Bristol Police Department is appointed in accordance with this charter, the candidate shall be examined by a physician in general practice in the City of Bristol designated by the director of personnel and if such

examining physician finds no physical or mental impairment, illness or condition that would prevent the candidate from effectively discharging the duties of the position to which the candidate is about to be appointed, the examining physician shall so certify to the director of personnel. If the examining physician does not so certify after the examination, the candidate shall not be appointed.

(5) The police commission shall have a complete background investigation conducted **[on the five candidates with the highest ratings]** prior to presentation of the recommended candidate to the mayor and city council.

SCHEDULE D

Sec. 42. - Fire department, regulation of promotion.

(a) through (j): no change.

(k) The candidate for fire chief shall be offered a personal employment agreement with a duration of four (4) years, and on such other terms subject to the approval and confirmation of the mayor and city council. The award of successive personal employment agreements for the chief are at the discretion of the mayor and city council and subject to the approval and confirmation of the mayor and city council. The appointee shall **[become a resident] reside within a town, any part of which falls within a twenty mile radius of fire department headquarters** of the City of Bristol within six months of appointment and continue residency for the term of office.

(l): No change.